

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

Inmate Identification Number:

21691

(Enter above the full name of the plaintiff
in this action)

KEVIN
TOWNSEND

vs.

OFFICER
MICHAEL
JONES

Judge JEB FANNIN

2016 MAR -2 P 12:13
NOTICE TO FILING PARTY
U.S. DISTRICT COURT
N.D. OF ALABAMA
*It is your responsibility to
notify the clerk in writing of any
address change.*

*Failure to notify the clerk may
result in dismissal of your case
without further notice.*

(Enter above full name(s) of the defendant(s)
in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No (✓)

- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff:

Defendant(s):

2. Court (if Federal Court, name the district; if State Court, name the county) _____
3. Docket number _____
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition _____

II. Place of present confinement _____

- A. Is there a prisoner grievance procedure in this institution?
Yes () No (☒)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No (☒)
- C. If your answer is YES:
1. What steps did you take? _____
2. What was the result? N/A
- D. If your answer is NO, explain why not: _____
- N/A

III. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s)

KEVIN TOWNSEND

Address

TALLADEGA COUNTY JAIL
P.O. BOX B TALLADEGA, AL 35161

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant

Is employed as

at

C. Additional Defendants

N/A

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

On June the 12th 2015 near the Mill Village in Sylacauga AL 35150. I was arrested and charged with CASE# CC201500029800. Officer Micheal Jones appeared in front of Judge Fannin on June 15th 2015 using a previously prepared Form Complaint and Affidavit which contained a general description of the crime

no first responder Jones submitted this Form Complaint to defendant District Judge Fannin as the sole evidence supporting the issuance of the warrant. The warrant defendant Fannin issued on June 15th 2015 failed to meet minimal constitutional standards. I Kevin Townsend was arrested and taken to jail by defendant officer Jones.

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The Form Complaint be dismissed and writ of Arrest be squashed and whatever the court deems proper

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

2-25-16

SIGNATURE

ADDRESS

TALLADEGA COUNTY
JAIL P.O. BOX TALLADEGA
AL 35161

AIS #

21691

FILED

2016 MAR -2 P 12: ~~P~~LAINTIFFS ARGUMENTS

U.S. DISTRICT COURT
N.D. OF ALABAMA

- (1) The main argument plaintiff presents here is. The complaint is unaccompanied by a separate affidavit and it lacked Factual Justification to support the Arrest Warrant and thus the District Judge JEB Fannin could not make a probable cause determination.
- (2) Defendant Micheal Jones is liable because he sought an Arrest Warrant based on a Form Complaint. That contained no evidence of probable cause, this complaint did not show a reasonable objective of probable cause even if Defendant Judge JEB Fannin erroneously issued the warrant.
- (3) Defendant officer Micheal Jones, a reasonably well-trained officer would have that his complaint failed to establish probable cause, that he should not applied for a warrant, if such the case. Defendant Micheal Jones warrant was not objectively reasonable because it created the unnecessary danger of Unlawful Arrest, Defendant Jones appears to have violated a clearly established Constitutional Right of Townsend
- (4) Defendant officer Micheal Jones was seeking this warrant, must establish his ground for his belief, that plaintiff Townsend committed the crime and where the belief is based upon. (someone) witnessing the offence. The complaint should establish who witnessed the offence.

(5) Plaintiff Townsend also must point out that an insufficient form complaint cannot be rehabilitated by later testimony, concerning information possessed by Defendant Jones, but not disclosed to defendant Judge Jeb Fannin issuing authority.

(6) Thus a Form Complaint would be insufficient, whereby recites the elements without a disclosure regarding why it appears to officer that defendant performed those elements.

(7) Plaintiff Townsend continued, contented that the complaint is a Form that defendant Jones. The highlighted Darkprint on the complaint filled in my name and someone address, if that fact is true then Townsends case is not unique it was previously prepared Form Complaint.

(8) The complaint sets forth here according to Ala.Court.Com. The Alabama State court electronic filing system. The relevant crime in general terms refers to Townsend and it says he committed the crime, but no where does it indicate how defendant Jones knows or why he believes that Townsend committed the crime. Affiant defendant Jones did not speak with personal knowledge of the matter contained therein.

(9) Defendant Jones did not say he saw the offence being committed, which he did not. Defendant Judge Fannin could not and did not make an determination of probable cause. It appears that defendant Fannin violated the Fourth Amendmant of the United States Constitution. However

the Constitution of the United States provide that no warrant shall be issued but upon probable cause, supported by oath or affirmation.

(10) Defendant Judge Jeb Fannin would have known or should have known, that a Form complaint that un-acompanied by separate Affidavits is clearly inadequate under well established Supreme Court case law. And this Form complaint did not afford plaintiff Townsend Due process of Law nor equal protection of Law.

(11) Plaintiff Townsend has a Constitutional Right to a Finding of Probable Cause before a warrant or summons is issued for Townsend to answer.

(12) Defendant Judge Jeb Fannin should have judge for himself the persuasiveness of the facts relied upon defendant Jones the complaintant to show probable cause. Defendant Fannin should not have accepted without question the crime outlined. The Fourth Amendmant requires that Magistrates determine probable cause for themselves and not rely on the conclusion of the police. This Form complaint could not provide a foundation for defendant Judge Fannin to make a judgement that this warrant is justified.

Statement of Claims

(1) Defendant Micheal Jones, Defendant Judge Jeb Fannin, willfully violated the Fourth Amendment Right of Plaintiff Kevin Townsend probable cause was not at the arrest. Probable cause was not in the face on this Form Complaint, probable cause were not found at the Initial Appearance. The Constitution of the United States provide that no warrant shall be issued but upon probable cause supported by oath of Affirmation Fourth Amendment.

(2) Defendant officer Micheal Jones and Defendant District Judge Jeb Fannin, willfully created the unnecessary danger of an unlawful Arrest. This also is unlawful and unconstitutional holding plaintiff Kevin Townsend in the Talladega County Jail without reasonable justification, defendant Jones and defendant Jeb Fannin willfully and knowingly deprived him of his Fifth Amendment Right. Provide that no one shall be deprived of Life, Liberty or Property without due process of Law.

(3) Defendant officer Micheal Jones and defendant District Judge Jeb Fannin willfully denied me Kevin Townsends American Citizens Right, Human being Rights. All Persons with the Jurisdiction of the United States.

(4) Defendant Judge Fannin, defendant Jones willfully deprives me Kevin Townsend of my Fourteenth Amendment Right. They did not Afford me Due process of Law or Equal Protection of the Law. The Constitution has made it Supreme

to the constitution state officials and states, themselves owe first obligations. The Right belonged to Townsend not because i am Negro or member of any particular race or creed, because i am American Citizen. These defendants did not afford me equal protection of the Law nor due process of the law.

Defendant District Judge Jeb Fannin
Defendant OFFicer Micheal Jones

Every person who under color of any statue ordinance, regulation custom or usage of any state or territory, subjects or causes to be subjected any Citizen of the United States or other person within the Jurisdiction thereof to the deprivation of any Rights, privileges or Immunities Secured by the constitutions and Laws, shall be liable to the part injured in the Action at Law. Suitequity or other proper proceeding for rediness 42 U.S.C. § 19.83.

Defendant District Judge Jeb Fannin and Defendant Micheal Jones failure to comply with elementary principle of procedural due process, of the Fourth, Fifth and Fourteenth Amendment of equal protection and Due process of Law 42. U.S.C § 19.83.